

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

TOWN NORTH BANK, N.A.,

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Plaintiff,

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V.

§

SHAY FINANCIAL SERVICES, INC.,
UBS FINANCIAL SERVICES, INC.,
MORGAN STANLEY & CO., LLC,
MERRILL LYNCH & CO., INC.,
MERRIL LYNCH, PIERCE, FENNER &
SMITH INCORPORATED, AND
J.P. MORGAN SECURITIES LLC,
Successor in Interest to
BEAR STEARNS & CO., INC.,

CIVIL ACTION NO. 3:11-CV-3125-L

The Hon. Sam A. Lindsey

Defendants.

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**DEFENDANT SHAY FINANCIAL SERVICES, INC.'S JOINDER
IN REQUEST TO CERTIFY THE MARCH 30, 2013 ORDER
FOR IMMEDIATE APPEAL AND TO STAY PROCEEDINGS**

[28 U.S.C. §1292(b)]

Defendant Shay Financial Services joins in the request that this Court state, pursuant to 28 U.S.C. § 1292(b), that the March 30, 2013 Order denying Defendants' Motions to Dismiss involves a controlling question of law as to which there is a substantial ground for difference of opinion and that an immediate appeal from the Order may materially advance the ultimate termination of this action.

Under 28 U.S.C. § 1292(b), a district court is not asked to permit an appeal by particular parties. Rather, the district court is asked to "state" that an "order involves a controlling question of law as to which there is substantial grounds for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation." 28 U.S.C. § 1292(b). Shay Financial requests that (1) the March 30, 2013 Order be amended to make that statement, and (2) the Court stay further proceedings until any appeal from the March 30, 2013 Order is resolved.

Respectfully submitted,

/s/ Mark R. McDonald
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**ATTORNEYS FOR DEFENDANT
SHAY FINANCIAL SERVICES, INC.**

CERTIFICATE OF SERVICE

I hereby certify that on May 1, 2013 a true and correct copy of the foregoing was filed via the Court's CM/ECF system which will send notification of such filings(s) to all counsel of record consenting to electronic service.

/s/ Mark R. McDonald
Mark R. McDonald